

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

AGENDA FOR REGULAR CITY COUNCIL MEETING

May 30, 2006
Council Chambers, City Hall
8:30 a.m.

After the meeting is convened, the City Council shall consider the following items in the following order no sooner than the designated times, but may consider them at a later time.

8:30 a.m.: Roll call and Executive Session*
9:00 a.m.: Invocation and Pledge of Allegiance
9:00 a.m.: Ceremonial items followed by all other items posted on the Agenda

*At any time during the Council meeting, the City Council may meet in executive session pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss items as permitted by law.

Invocation – Police and Fire Chaplain Sam Faraone
Pledge of Allegiance

MAYOR'S PROCLAMATIONS

SOUTHWESTERN PRIDE PARADE DAY

MAYOR'S INVITATION

Invitation to City Council, City employees and the community to participate in the Mayor's Blood Donor Program. [Mayor John F. Cook, (915) 541-4145]

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/city_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting. The wording of all agenda items shall appear in the minutes of this meeting of the City Council as posted, unless otherwise revised by this or other motion of Council, without the necessity of the City Clerk reading the wording of each item into the record.

CONSENT AGENDA

1. APPROVAL OF MINUTES: [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

Approval of Minutes for Regular City Council Meeting of May 23, 2006, corrected minutes of May 9, 2006, and Special City Council Meeting Minutes of May 16, 2006, May 17, 2006, and May 22, 2006.

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

Placing a condemnation lien on the following property (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.50 (Unsafe Structures and Conditions) of the El Paso Municipal Code:

| | | |
|---|------------|-------------------|
| 180 Coronado Road | \$4,590.65 | District 3 |
| Antonio and Laura Mendoza | | |
| [Development Services, William Stern, (915) 541-4800] | | |

4. BOARD APPOINTMENTS:

Emmanuel E. Ponsford, III to the City-County Animal Shelter Advisory Committee as requested by Mayor Pro Tempore Beto O'Rourke, District 8.
[Representative Beto O'Rourke, (915) 541-4268]

5. BEST VALUE PROCUREMENT:

This contract shall be awarded to the bidder who provides the best value to the City. The City may consider price and other relevant criteria listed in the request for bids.

| | |
|---------------------------|--|
| Solicitation No. 2006-134 | Janitorial Services Veterans (Northeast) Recreation Center |
| Award to: | Total Cleaning Services |
| | El Paso, TX |
| Item(s): | All |
| Amount: | \$19,522.56 (estimated for year) |
| Department: | Parks and Recreation |
| Funds available: | 51010256-01101-502206 & 51010107-16301-502211 |
| Funding source: | Operating Funds and Users Fee |
| Total award: | \$58,567.68 (estimated) |
| District (s): | 4 |

Parks and Recreation and Financial Services, Purchasing Division, recommend award under its best value criterion to the above-listed responsive vendor.

This is a thirty-six month contract with the option to renew for one (1) additional year. Total Cleaning Services offers a 2.75% - 20 Days, Prompt Payment Discount.
[Financial Services, Ray Heredia, (915) 541-4316]

6. BIDS:

If apparent low bidder is disqualified for any reason, City Council reserves the right to exercise any option legally available under the law by awarding bid to next lowest responsive and responsible bidder even though the bidder is not named on this agenda.

The Engineering Department and Frontera Land Alliance recommend the award of contract no. 2006-099, Resler Canyon Erosion Control Improvements, to CK Construction, Inc., the low-responsible, responsive bidder. This unit priced contract is for an estimated amount of \$347,791.00. The Resler Canyon Erosion Control Improvements project was created and funded as a result of a legal settlement agreement.

Work under the unit price component is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term. As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract. **(District 8)**

[Engineering Department, Rick Conner, (915) 541-4423]

7. BUDGET TRANSFERS: [Office of Management and Budget, David Almonte, (915) 541-4011]

BT2006-807 PLANNING-DEVELOPMENT SERVICES

To move 3 Planner I's from the Planning Department to the Neighborhood Services Division. **(All Districts)**

| | | |
|----------|-------------|---|
| Increase | \$31,018.24 | Community Dev: salaries, benefits, & operating expenses |
| Decrease | \$31,018.24 | Planning Dept: salaries, benefits & operating expenses |

REGULAR AGENDA

8. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

Public comment typically is not taken during the introduction of ordinances.

Public comments are invited at the date of the scheduled public hearing.

- 8A.** An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.44 (Stopping, Standing, and Parking Generally), Section 12.44.170 (Parking on City-Owned Property), of the El Paso City Code revising the reference to applicable State statues for parking fee exemptions for veterans with certain registered license plates. The penalty is as provided in Chapter 12.84 of the El Paso City Code. **(All Districts)** [Engineering Department, Traffic Division, Ted Marquez, (915) 541-4035]

- 8B.** An Ordinance authorizing the conveyance of lot 19, block 30, Tierra Del Este unit four, El Paso, El Paso County, Texas. **(District 5)**
[Parks and Recreation, Norman C. Merrifield, (915) 564-7310]

PUBLIC HEARING WILL BE HELD ON JUNE 13, 2006, FOR ITEMS 8A – 8B

- 8C.** An Ordinance changing the zoning of Tracts 17-C-103, 17-C-104, and 17-C-164, Section 8, Block 79, Township 3, Texas and Pacific Railroad Survey, El Paso, El Paso County, Texas, from R-3 (Residential) to R-3A (Residential). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Saint Vitus Place and Saint Dominic Drive. Applicant: Elia Thompson. ZON06-00044 **(District 6)**
[Development Services/Planning, Esther Guerrero, (915) 541-4720]
- 8D.** An Ordinance amending Ordinance Number 010764, which changed the zoning of Tracts 1B1 and 1E, Block 10, Upper Valley Surveys, El Paso, El Paso County, Texas, in order to amend the condition imposed by Ordinance Number 010764. Subject Property: Via de Los Arboles. Applicant: Sunny View L.L.C. ZON06-00042 **(District 1)** [Development Services/Planning, Christina Valles, (915) 541-4930]
- 8E.** An Ordinance changing the zoning of the Lots 11-15, Block 57, Alexander Addition, El Paso, El Paso County, Texas from S-D/SC (Special Development/Special Contract) to A-O/SC (Apartment/Office/Special Contract). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 200 E. Schuster Avenue. Applicant: Dr. Orestes Moldes. ZON06-00032 **(District 8)**
[Development Services/Planning, Esther Guerrero, (915) 541-4720]
- 8F.** An Ordinance releasing the condition cited in ordinance number 012593, which changed the zoning of Lot 2, Block 1, Las Palmas Unit Two, and a portion of Lot 1, Block 1, Las Palmas Unit One, El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 11600 Montana Avenue. Applicant: Avenida de Palmas, LTD. Representative: Conde, Inc. ZON06-00022 **(District 5)**
[Development Services/Planning, Mirian Spencer, (915) 541-4723]
- 8G.** An Ordinance changing the zoning of Lot 2, Block 1, Las Palmas Unit Two, and a portion of Lot 1, Block 1, Las Palmas Unit One, El Paso, El Paso County, Texas, from C-3/C (Commercial/Condition) to PR-I (Planned Residential I); and a portion of Lot 1, Block 1, Las Palmas Unit One, El Paso, El Paso County, Texas, from C-4 (Commercial) to PR-I (Planned Residential I). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 11600 Montana Avenue. Applicant: Avenida de Palmas, LTD. Representative: Conde, Inc. ZON06-00006 **(District 5)**
[Development Services/Planning, Mirian Spencer, (915) 541-4723]

PUBLIC HEARING WILL BE HELD ON JUNE 20, 2006, FOR ITEMS 8C – 8G

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

9. MAYOR AND COUNCIL:

Discussion and action from the Manufacturing Cabinet of the El Paso Lyceum regarding recommendations to Council on the following items:

- The development of the original video regarding manufacturing
- Establishing a position within the City to support the Maquiladora industry
- A regional strategy planning process for manufacturing

[Mayor John F. Cook, (915) 541-4145] POSTPONED FROM 05-23-06

10. ENGINEERING – BID - HEARING:

If apparent low bidder is disqualified for any reason, City Council reserves the right to exercise any option legally available under the law by awarding bid to next lowest responsive and responsible bidder even though the bidder is not named on this agenda.

A hearing, pursuant to Section 271.027(b) of the Local Government Code, to make a determination by City Council whether VeMac, L.P., is not a responsible bidder on the EPIA Golf Course Roadway Solicitation No. 2006-075.

On Wednesday March 15, 2006 bids were opened for EPIA Golf Course Roadway Solicitation No. 2006-075. Upon completion and review of the official bid tabulation for the subject project, it was determined that the apparent low bidder was VeMac, L.P. VeMac, L.P., however, presented insufficient information with regards to experience and expertise. Therefore, it is the opinion of City Staff, that with respect to Solicitation No. 2006-075 VeMac, L.P. is not a responsible bidder.

RECOMMENDATION:

City Staff recommends that City Council approve the following motion:

"VeMac, L.P. is hereby found to be a non-responsible bidder with respect to Solicitation No. 2006-075."

Upon the Council's determination that VeMac, L.P. is not a responsible bidder, the Departments of Engineering and Airport recommend the award of this contract to Southwest Growth, Corp., the 2nd lowest bidder.

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|-------------------------------------|--------------|-------------------------------|
| Solicitation No: | 2006-075 | EPIA Golf Course Roadway |
| Location: | | 1000 George Perry Dr. |
| Low Bidder: | | VeMac, L.P. El Paso, Texas |
| Department: | | Airport |
| Funds Available: | | 62620026-PAP0018-41053-508027 |
| Funding Source: | | Airport Revenue |
| Items: | Base Bid I | \$1,248,695.94 |
| | Base Bid II | \$ 202,891.87 |
| | Base Bid III | \$ 138,963.29 |
| Estimated Value of the Total Award: | | \$1,590,551.10 |
| Estimated Completion Date: | | October, 2006 |

District(s): 2

Second lowest bidder: Southwest Growth, Corp.
El Paso, Texas

Department: Airport

Funds Available: 62620026-PAP0018-41053-508027

Funding Source: Airport Revenue

Items: Base Bid I \$1,291,231.50
Base Bid II \$ 219,488.75
Base Bid III \$ 84,544.25

Estimated Value of the Total Award: \$1,595,264.50

Estimated Completion Date: October, 2006

District(s): 2

It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract and any other documents, which are necessary to carry out the intent of this award.

Work under the unit price component is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity.

As part of the award of this contract, the City Engineer may, without further authorization from City Council, approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, which are in accordance with applicable law and which do not make changes to the unit price and which are within the appropriate budget. [Engineering Department, Rick Conner, (915) 541-4423]

11. DEVELOPMENT SERVICES:

Discussion and action on proposed text revisions to Title 20 (Zoning) as recommended by the Building & Zoning Advisory Committee: Chapter 20.18 (Sign Regulations).

(All Districts) [Development & Infrastructure Services, Patricia D. Adauto, (915) 541-4853]

12. PUBLIC HEARINGS – DEVELOPMENT SERVICES:

12A. An Ordinance amending Title 20 (Zoning) of the El Paso City Code by amending Chapter 20.67 (Historic Landmark Preservation) in order to establish the procedure for the administration and preservation of Historic Landmarks in the City; provide for the procedure for the designation of Historic Property; and further provide for the application process to make alterations, demolition and removal of property that is designated Historic. The penalty is as provided in 20.68 of the City of El Paso City Code. **(All Districts)**

[Development Services, Kimberly Forsyth, (915) 541-4631]

12B. An ordinance granting a Special Privilege to the El Paso Festival Association to temporarily close portions of Texas Avenue, Florence Street, Ochoa Street, Virginia Street, St. Vrain Street, Ange Street, and Octavia Street from June 2, 2006, through June 5, 2006, for a "Custom Car and Chopper Street Festival". (Fee: \$225.00, SP-06006) **(District 8)**

[Development Services, Esther Guerrero, Planner, (915) 541-4720]

- 12C.** An Ordinance granting a Lease and a Special Privilege to Ethicon Endo Surgery, Inc. to permit and regulate the construction, maintenance, and use of a fiber optic cable telecommunications system on the Zaragoza Bridge and across, over, and under portions of city-owned property and public right-of-way along Zaragoza Drive within the City of El Paso. The following consideration is to be paid to the City: \$1,320.00 (Special Privilege Annual Fee), Annual Lease Fee (\$730.00), and Monthly Bridge Fee (\$1,000.00). The Bridge Fee will be abated for seventy-five (75) months in exchange for the grantee's installation of oversized infrastructure for the benefit of the City as set forth in the agreement. **(District 6)** [Development Services, Esther Guerrero, Planner, (915) 541-4720]
- 12D.** An Ordinance amending Title 2 (Administration and Personnel) of the El Paso City Code by adding Chapter 2.24 (Historic Landmark Commission) in order to create and set forth the functions and duties of same and to create and designate functions of the Historic Preservation Officer. **(All Districts)** [Development Services/Planning, Kimberly Forsyth, (915) 541-4631]
- 12E.** An Ordinance amending Title 3 (Revenue and Finance), Chapter 3.04 (Property Taxes) of the El Paso City Code by adding Section 3.04.035 (Exemption - Historically Significant Sites) in order to provide an exemption from taxation of certain property taxes for renovations completed to historically significant property to encourage the preservation of such properties; and to create an application and approval process for such exemptions. **(All Districts)** [Development Services, Kimberly Forsyth, (915) 541-4631]

EXECUTIVE SESSION

The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

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|-----------------|--|
| Section 551.071 | CONSULTATION WITH ATTORNEY |
| Section 551.072 | DELIBERATION REGARDING REAL PROPERTY |
| Section 551.073 | DELIBERATION REGARDING PROSPECTIVE GIFTS |
| Section 551.074 | PERSONNEL MATTERS |
| Section 551.076 | DELIBERATION REGARDING SECURITY DEVICES |
| Section 551.087 | DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS |

Discussion and action on the following:

- EX1.** Sandra Fernandez vs. The City of El Paso, Texas; Cause No. 2005-8221 (551.071). [City Attorney's Office, Jennifer F. Callan, (915) 541-4550]
- EX2.** Guadalupe Vela, 06-C-080/Sun Metro (551.071). [City Attorney's Office, John L. Anderson (915) 541-4550]
- EX3.** Raquel Silva, File No. 06-C-027/Police (551.071). [City Attorney's Office, Jennifer F. Callan, (915) 541-4550]

NOTICE TO THE PUBLIC:

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print, or audiotape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov/>